

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of:

800 Data Base Access Tariffs
and the 800 Service Management System
Tariff

DA 93-930

CC Docket 93-129

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Common Carrier Bureau

OPPOSITION TO PETITION FOR CLARIFICATION
OR, IN THE ALTERNATIVE, RECONSIDERATION

MCI Telecommunications Corporation (MCI), by its undersigned attorneys and pursuant to Section 1.45 of the Commission's rules, hereby respectfully requests that the Commission deny U S WEST Communications, Inc.'s (U S WEST's) "Petition for Clarification or, in the Alternative, Reconsideration" filed August 18, 1993, in the above captioned proceeding.

U S WEST requests clarification of the following statement contained in paragraph 29 of the Common Carrier Bureau's Order Designating Issues for Investigation in this proceeding^{1/}:

[P]rice cap LECs using computer models to develop costs in their direct cases must disclose those models on the record if their justification for their rates is based on the use of the model.

^{1/} In the Matter of 800 Data Base Access Tariffs and the 800 Service Management System Tariff, CC Docket No. 93-129, Order Designating Issues for Investigation, DA 94-930, released July 19, 1993 (Order).

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U S WEST asks the Bureau to either interpret the Order in such a fashion that it would be permitted to utilize a proprietary computer model (Switching Cost Model or "SCM") in developing and justifying the costs for 800 query service without disclosing that model on the record, or to reconsider the requirement. For the reasons set forth below, MCI strenuously opposes U S WEST's petition, and urges that it be denied.

To the extent U S WEST believes that the above-quoted statement from the Order is ambiguous or in need of clarification, it need look no further than the sentence which immediately follows it:

If a carrier prefers not to disclose the model it used to allocate costs, it must provide some other justification for its rates.^{2/}

Both the Bureau (in footnote 28 of this Order) and the Commission (in its recent Order in the LIDB tariff proceeding^{3/}) have carefully explained why it is inappropriate to permit LECs to rely on non-public cost information in the context of a relatively simple Signaling System 7 (SS7)-based access service such as 800 Access or LIDB. As explained in both decisions, the Commission believed that ONA Access tariffs presented a unique set of circumstances, in which resort to proprietary computer models not fully disclosed on the record was necessary to develop unit investment data for individual basic service elements. In the absence of such unique circumstances, which are clearly not present here, the Commission prudently follows its general policy: that of requiring that cost support materials be submitted on the record and be subject to comment by all

^{2/} Order, DA 93-930, para. 29, at pp. 9-10.

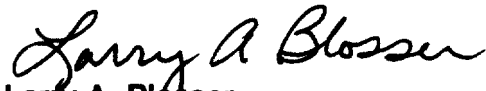
^{3/} In the Matter of Local Exchange Carrier Line Information Database, CC Docket No. 92-24, FCC 93-400, rel. August 23, 1993, pp. 5-6.

interested parties. U S WEST's efforts to force this tariff investigation into the ONA Access mold are, therefore, completely misplaced.

U S WEST's options are clear: if it feels that it cannot or does not wish -- for whatever reason -- to "disclose [its] models on the record," it must provide some other justification for its rates. If it fails or refuses to do, the inevitable must occur, namely, its proposed tariffs must be rejected and sanctions imposed, if necessary. MCI feels particularly strongly about this point, because it is a customer of LEC 800 Access Services and an active participant in the ONA Access Tariff proceeding. MCI thus has witnessed firsthand the extent to which a decision to allow cost models to be submitted "in camera" or on a "confidential basis" complicates the conduct of a tariff investigation. Although the Bureau staff made every effort to accommodate the often conflicting interests of the parties to that investigation, both the Allnet appeals cited in the U S WEST Petition and MCI's March 2, 1992 Application for Review of the Bureau's Procedural Order (DA 92-129) remain unresolved to this day. The Bureau should not embark lightly upon a similar course in this proceeding.

WHEREFORE, for the reasons set forth above, MCI respectfully urges the Bureau to deny U S WEST's Petition for Clarification or, in the Alternative, Reconsideration in the above-captioned proceeding.

Respectfully submitted,
MCI TELECOMMUNICATIONS CORPORATION



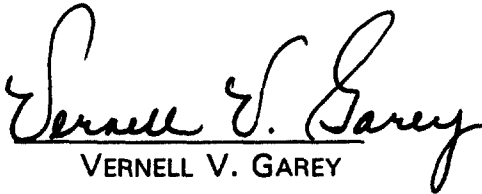
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Dated: September 1, 1993

CERTIFICATE OF SERVICE

I, Vernell V. Garey, do hereby certify that copies of the foregoing Opposition to Petition for Clarification or, in the Alternative, Reconsideration were sent via first class mail, postage paid, to the following on this 1st day of September, 1993.


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